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| 09/532,269      | 03/22/2000  | Neil Weicher         | 03047-P0027A        | 8293             |

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Wesley W Whitmyer Jr  
St Onge Steward Johnston & Reens LLC  
986 Bedford Street  
Stamford, CT 06905-5619

EXAMINER

WRIGHT, NORMAN M

ART UNIT PAPER NUMBER

2134

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/532,269

Applicant(s)

WEICHER, NEIL

Examiner

Norman M. Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2-3/7/26/00; 8/6/

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

  
NORMAN M. WRIGHT  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 30 July 2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it fails to provide the publication date for the two non-patent publications. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Drawings***

2. The informal drawings are not of sufficient quality to permit examination. Accordingly, new drawings are required in reply to this Office action.

Applicant has submitted informal drawings, which are acceptable for examination purposes only, formal drawing will be required when the application is allowed or allowable subject matter is indicated.

### ***Specification***

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims

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are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim "c4." has been renumbered as "4".

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 27-28 recites the limitation "said second storage" in claim 27. There is insufficient antecedent basis for this limitation in the claim. ***Claim Rejections - 35 USC***

***§ 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8, 16-17, 25-28, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Zizzi, U.S. Pat. No. 6,185,681, hereinafter '681.

As to claims 1-8, 16-17, 25-28, '681 teaches a method and system for transparent encryption and decryption for a document management system, comprising: a system for encrypting data files, a storage device, an application, a program executing on the computer, encrypting before storage, intercepting retrieved data, decrypting

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them, in application memory, does not store unencrypted versions of encrypted data files, encrypts and decrypts automatically, encrypt key, application identifier (name), stored in encrypted file, execute application, decrypt data with encrypt key (symmetric, DES), and second storage means. See abstract, figs. 1-5, col. 1, lines 30-36 et seq., lines 44-49 et seq., col. 3, lines 27-33 et seq., col. 4, lines 23-42 et seq., col. 5, lines 31-55 et seq., col. 6, lines 1-8 et seq., lines 25-50 et seq., col. 7, lines 3-10 et seq., line 25-30 et seq., and lines 39-67 et seq., col. 8, lines 32-38 et seq., and lines 60-67 et seq., claims 1-3, 7, 12, and 23-26.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9-15, 18-24, and 29-43, are rejected under 35 U.S.C. 103(a) as being unpatentable over '190 as applied to claims 1-8, 16-17, 25-28 above, and further in view of Zimmermann, U.S. Pat. No. 6,314,190, hereinafter '190.

10. As to claims 9, '681 substantially teaches the claimed invention as recited above, not explicitly used is the language of a passkey being selected from a group of passkeys. '681 utilize two keys prior to the encryption of a document, a named key and a key value. The encryption key name is selected from a plurality of key names stored in a file. After authentication has taken place, the key name associated with the document and user is then, utilized to retrieve a key value that is used to encrypt the

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document (figs. 4-5, and col. 7-8). It would have been obvious to one of ordinary skill in the art at the time of the invention, to modify or label the keys utilized to provide further/additionally security for a document to be encrypted as passkeys. One of ordinary skill in the art would have been motivated to call the keys which grant access passkeys, because, the labeling of a group of keys as passkeys, would not have any affected on the functions that they provide. Moreover, a skilled artisan in the data processing art would have been motivated to call the keys which access additional security functions as passkeys, because it is the means by which additional encryption and decryption processes take place.

11. As to claims 10 and 15, '681 as modified above, teach the use of the passkey/key name being generated from a feature of the encrypted file, and encryption and decryption (figs. 4 and 5, col. 7, lines 64 et seq., and col. 8, lines 63 et seq.).

12. As to claims 11-14, '681 do not explicitly teach the use of size, time, and date as being the feature upon which the passkey is generated. '190 teaches that the additional security features of a passkey/session key may be based upon such criteria, figs. 4, 5A-5B and 7, abs., summary, col. 6, lines 10 et. seq.. It would have been obvious to one of ordinary skill in the art at the time of the invention, to further modify the invention of '681 to have the passkey created on a feature of size, date, time or a combination thereof. One of ordinary skill in the art would have been motivated to perform said modification, because, the use of session keys and the signing of digital data/messages with timestamp information is well known in the data processing arts. The use of time stamp data as criteria for signing or generating a means of encryption and decryption for

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datum is also well known in the data processing art. '190 teaches that the use of session keys in signing is digital signatures are well known in the art, see the background (col. 2, lines 28 et seq.). Additionally, '190 teach that the use of his method allows one to transparently encrypt data that has the added security features of key recovery/repudiation (col. 6, lines 38 et seq., and col. 7-8). Therefore, one of ordinary skill would have been motivated to utilize such a cryptographic system as the one disclosed by '190 as a means of transparently adding additional security feature to his system and, the use of time stamp information is datum in a key has conventionally proven effective to limit available cipher text from attack as well as other advantages.

13. As to claims 18-24 and 29-34, they distinguish over rejected claims 1-17, by reciting a second memory/redundant/backup/replica, which may be remotely located, and performing the cryptographic process there as well or in conjunction with the first memory, these features are not explicitly taught by '681. '190 further teach that his invention may be practice on a single system or a distributed one, see figs. 2 and 3. '681 teach that his invention may be utilized on networks that have distributed databases (see col. 6, lines 25 et seq., and col. 7, lines 1-25 et seq.). The examiner takes official notice of both the motivate and modification necessary to store datum on a plurality of storages, the use of distributed data storage, and replicated or backup data storage systems, these are notoriously well known in the data processing arts. It would have been obvious to one of ordinary skill in the art at the time of the invention, to further modify the invention of '681 and '190 with a data replication, backup, redundant, or distributed data storage system. One of ordinary skill in the art would have been

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motivated to further augment the inventions of '681 and '190, with a means of accessing data over a distributed network, or in conjunction with a redundant/replicated or backup storage systems. Because the use of storing datum in such systems afford the users' of said system with an alternative means to store and protect data in the event of a failure, and a ready and reliable means to recover from a storage failure. This is notoriously well known in the data processing arts.

***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Norman M. Wright at telephone number (703) 305-9586.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (703) 305-9586. The examiner can normally be reached on Mondays from 8am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900

  
NORMAN M. WRIGHT  
PRIMARY EXAMINER